

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>JAY R. HAMILTON, et al.,</b>	)	<b>Case No. 3:19-cv-02673</b>
	)	
<b>Plaintiffs,</b>	)	<b>Judge</b>
	)	
<b>v.</b>	)	
	)	
<b>WELLS FARGO BANK, N.A. dba</b>	)	<b>NOTICE OF REMOVAL</b>
<b>WELLS FARGO HOME MORTGAGE,</b>	)	
	)	
<b>Defendant.</b>	)	

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Defendant Wells Fargo Bank, N.A. dba Wells Fargo Home Mortgage (“Wells Fargo”) removes this action from the Erie County, Ohio Common Pleas Court to this Court. The grounds for the removal are:

1.     State Court Action. On October 10, 2019, Plaintiffs Jay R. and Marklyn E. Hamilton filed this action in the Court of Common Pleas for Erie County, Ohio, captioned *Jay R. Hamilton, et al. v. Wells Fargo Home Mortgage, a division of Wells Fargo Bank, N.A.*, Case No. 2019 CV 0576. Copies of the Complaint and Summons with which Wells Fargo was served are attached as Exhibit 1.<sup>1</sup> A copy of the Common Pleas Docket is attached as Exhibit 2.

2.     Timeliness. Wells Fargo was served with the Complaint on October 17, 2019. Removal is timely under 28 U.S.C. § 1446(b).

3.     Federal Jurisdiction. Plaintiffs assert claims under the Real Estate Settlement Procedure Act (“RESPA”), 12 U.S.C. § 1024, *et seq.* Because the Complaint asserts claims

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<sup>1</sup> Wells Fargo has redacted personally identifiable financial information from the copy of the Complaint being filed with the Court.

arising under federal law, this Court has original jurisdiction pursuant to 28 U.S.C. § 1331, and removal is proper under 28 U.S.C. § 1441(a).

4. Venue. Plaintiff brought this action in the Court of Common Pleas for Erie County, Ohio, and under 28 U.S.C. §§ 115(a)(1) and 1446(a), venue is proper in this Court.

Wells Fargo requests that this Court assume jurisdiction over this case and issue such further orders as may be necessary and appropriate.

Respectfully submitted,

/s/ Scott A. King

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Scott A. King (0037582)  
Jessica E. Salisbury-Copper (0085038)  
THOMPSON HINE LLP  
10050 Innovation Drive, Suite 400  
Miamisburg, Ohio 45342  
Telephone: 937.443.6560  
Facsimile: 937.443.6635  
Scott.King@ThompsonHine.com  
Jessica.Salisbury-Copper@ThompsonHine.com

*Attorneys for Defendant Wells Fargo Bank, N.A.  
dba Wells Fargo Home Mortgage*

**CERTIFICATE OF SERVICE**

I certify that on November 14, 2019, I electronically filed the foregoing with the Clerk of the Court using the electronic filing system and sent a copy by ordinary U.S. Mail, postage prepaid, to the following:

Daniel L. McGookey  
Kathryn M. Eyster  
MCGOOKEY LAW OFFICES, LLC  
225 Meigs Street  
Sandusky, OH 44870

/s/ Scott A. King  
Scott A. King